

# **PARSON AND PARISH**

is published by

## **THE ENGLISH CLERGY ASSOCIATION**

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Founded by the Rev'd EDWARD G. COURTMAN in 1938

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The English Clergy Association, as the successor to the Parochial Clergy Association, exists to support in fellowship all Clerks in Holy Orders in their Vocation and Ministry within the Church of England as by law Established; to uphold the Parson's Freehold within the traditional understanding of the Church's life and witness; to oppose unnecessary bureaucracy in the Church; to monitor legislative and other processes of change; and to promote in every available way the good of English Parish and Cathedral Life and the welfare of the Clergy.

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# PARSON & PARISH

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## CONTENTS

<b>From over the Parapet</b>	4
Editorial — The Archdeacon's bullying tactics	
<b>Churchwardens and Patronage: Twin Pillars in Parish Life</b>	8
The Association's annual address <i>Sir John Owen &amp; Andrew Macintosh</i>	
<b>In Trust and in Tension</b>	11
Possibilities and pitfalls in establishing parish trusts <i>Martin Burr</i>	
<b>During a Vacancy</b>	13
A guide for churchwardens <i>Sir John Owen &amp; John Masding</i>	
<b>In all things Lawful and Honest</b>	21
Our legal agony uncle on parish problems <i>Alex Quibbler</i>	
<b>Book Reviews</b>	23
<b>Chairpiece</b>	28
Looking through the wreckage of the Clergy Discipline Measure <i>John Masding</i>	

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# FROM OVER THE PARAPET

## Editorial

### *A Venerable Bully*

An account of the plight of a parish in the Church of England has reached the editorial desk. As a story of breath-taking arrogance, inefficiency, and shoddy treatment of the laity on the part of the diocesan hierarchy, it demands wider publicity, although because the matter is the subject of enquiry by the diocesan bishop, it would not be helpful at this stage to name names. As an illustration of the need of an Association such as ours, the case is difficult to beat.

The vicar in our story came to his urban living twenty-four years ago. The building was crumbling and the quota not fully paid for years. But priest and people have worked hard to change all that. Largely without any outside help, some £750,000 has been raised, and spent, to place the building in its best condition for a hundred years. Until recently the quota has been fully met, the parish even taking out bank loans to meet essential works rather than default on its contribution. In this quarter-century incumbency the parish's annual income has increased from £5,000 to £55,000, and its charitable giving from £10 to over £10,000. Not one complaint, as far as the priest is aware, has even been received by the diocese about the performance of his duties. The offices are said, a Eucharist celebrated almost daily, every feast day kept, and all pastoral duties fulfilled. Incumbents of other parishes in the diocese in neglect of duty or in default on the quota have been rewarded with a canonry or praise; for this parish and its priest, nothing. Until, that is, just over two years ago, when the sorry tale begins in earnest. For now this parson and parish have received their reward: they have been treated to a display of incompetence, rudeness and bullying — and this in a diocese firmly signed up to an anti-bullying policy

It was in April 2001 that it came to our vicar's notice that the parish had, in his estimation, effectively been denied nearly £50,000 by way of proceeds of the sale of land — a loss attributable, in the vicar's view, to incompetence and dilatoriness on the part of a diocesan official. The rightness or otherwise of this claimed loss of £50,000 need not detain us particularly, for our concern is with what then happened. The vicar raised the matter orally with his suffragan bishop, who then left it to the archdeacon. Several meetings took place between vicar and archdeacon, resulting in the parish priest submitting a formal letter of complaint to the archdeacon in June 2001. The archdeacon forwarded this letter to the diocesan official whose

conduct, it was alleged, had resulted in the loss. The official concerned made, the vicar was told, an eight-page response. This response he was not permitted to see and in the light of that response the archdeacon grandly declared, “No case to answer.”

This was not the view of the vicar who thought, and still thinks, that there was most certainly a case to answer, so a further meeting with the archdeacon took place in the parish, the archdeacon this time suggesting that the vicar might like to be represented. At the meeting, however, the archdeacon refused absolutely to discuss the parish’s complaint — and this in the presence of the parish’s solicitor — declaring that it was all “past history”. At the end of the meeting the vicar handed him a very carefully prepared eight-page complaint, together with sixteen accompanying documents. In the following four months there was neither any acknowledgement of this complaint nor any addressing of any of the issues raised. Faced with this stone-walling, a solicitor’s letter to the diocese finally provoked some action, and in the course of the correspondence it emerged that the diocesan registrar considered the vicar to be a mere layman in these matters and that it was only he, as the archdeacon’s legal adviser, who could answer the complaint. The registrar then admitted that he had not seen the complaint until mid-January 2002, nearly six months after the archdeacon had received it! Naturally the vicar, unimpressed at such a shocking display of rudeness, negligence, and unprofessionalism, sought an explanation or apology. None was forthcoming. The words of the House of Bishops’ paper in *The Mistreatment of Adults by those Authorised by Bishop’s Licence to Leadership Positions in the Church* (which presumably extend to those in beneficed posts too), stressing the importance of taking complaints very seriously, were ringing loudly in our vicar’s ears.

There then followed nearly a year’s correspondence, in which the diocese produced not one iota of evidence, not one convincing argument and not one document to contradict the substance of the complaint. When, eventually, the parish’s solicitor produced a final list of unanswered questions and unresolved issues, the diocesan registrar withdrew from the correspondence on the ground that there would be “no meeting of minds.” Confronted with such a blank wall, the vicar with the PCC considered that they finally had no alternative but to cease paying the diocesan quota until either their questions were satisfactorily answered or until they had recouped the loss originally sustained. Accordingly, with the full support of the PCC, including the churchwardens, the vicar wrote to the archdeacon on 16<sup>th</sup> December 2002, informing him of this decision, to present the parish’s case yet again, and inviting him again either to give a satisfactory explanation of the diocesan position or simply to apologise. Again, he did neither.

Thus far the archdeacon's only sins were unprofessionalism, rudeness and inefficiency. At this point in the saga, however, he began to overstep the mark, overreaching his legal powers, and raising the question for us, once again, of why certain people are appointed to the office of archdeacon — an essentially juridical office — with little aptitude, experience or training in church law. The archdeacon now demanded a meeting with the PCC, not to discuss its concerns, but to discuss the non-payment of the quota. He had, he claimed, the canonical right to convene such a meeting, but the vicar, having taken advice, challenged this claim (an archdeacon only has the right to convene an extraordinary meeting in specific matters to do with faculties or church buildings). The archdeacon was forced to back down and, for once, an apology was forthcoming. He went on, however, to claim “the absolute right of visitation”, but again, upon advice, the parish priest refuted this, pointing out that his right and duty of visitation was exercisable according to law and that only churchwardens and the minister (not other PCC members) could be compelled to attend a visitation, and only then to answer the articles of enquiry “advisedly and truly according to their consciences” (Canon G6). If the articles of enquiry did not ask about non-payment of the quota, then the archdeacon could not compel discussion of the subject.

The bullying of the vicar having proved fruitless, the archdeacon then turned his attention directly to the churchwardens, demanding that they meet with him and report on the non-payment of the quota. The churchwardens' response, however, pointed out that the parish had already reported on the non-payment of quota, in the full and detailed letter to him in December 2002. Then, about a week after receiving this response, on the very day before his visitation, the archdeacon delivered, by hand, a letter to the churchwardens. Because this letter, with its snide and intimidating style, represents such a woeful disregard of the integrity and dignity of laypeople, a copy has found its way to our editorial desk. In it the archdeacon, quite apart from implying that the incumbent was in neglect of duty (“the duty...actively to encourage the payment of parish share”), suggested that, because the churchwardens had not discussed with the archdeacon, *on his terms*, the non-payment of quota, they might be acting in bad faith by making, at the visitation, the declaration that they would “faithfully and diligently perform the duties of [their] office.”

“I am sure,” wrote the archdeacon, “that you would not wish to make any declaration which you do not intend to fulfil to the best of your ability,” and he added his hope that they “consider very seriously” the implications of being admitted as churchwardens.

At this point we need to pinch ourselves and remember which planet we

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are inhabiting. Here is an archdeacon claiming that, despite the full and frank disclosure having been made by the parish (unanswered by the diocese), there remained “something amiss” in the parish, and that the churchwardens were under a duty to report to him what he considered amiss! Let us forget for one moment that the diocesan quota — or more cuddly-sounding “parish share” — is simply a voluntary contribution, not legally enforceable, and possibly (according to one leading ecclesiastical lawyer) unlawful since it is in the nature of a sort-of-tax but without the authority of Parliament. Even ignoring this, the archdeacon, who — either himself or his successor — inducted the priest into the temporalities of the benefice, stands in breach of his duty “to defend him so inducted,” while also showing scant regard for the churchwardens as the duly elected representatives of the parish. In addition, he is a venerable bully, resorting to the very bullying tactics which his Church seeks to minimise. As the Bishops’ anti-bullying paper says, “Psychological abuse occurs when someone uses the authority conferred on them by virtue of their office to coerce someone into action, way of relating or matter of belief which they would not choose for themselves,” and again, “Spiritual abuse in the Christian context can include...exploiting the concept of Christian obedience to coerce people.” We have, surely, in this present case, an eloquent example of the very behaviour we should be seeking to discourage.

We have too, in the new Clergy Discipline Measure, a broadening of the base of disciplinary proceedings, to include “inefficiency” or “inappropriate” conduct by a clerk in Holy Orders. The archdeacon may be grateful that the Measure has not yet come into operation, while we await approval of the accompanying Code of Practice, since the archdeacon’s conduct in this instructive story must surely rank as a strong contender for inefficient and inappropriate behaviour.

**Have you visited the ECA’s new website?**

[www.clergyassoc.co.uk](http://www.clergyassoc.co.uk)

contains details of the Association’s news and events,  
our work among churchwardens and patrons,  
our charitable help to clergy through holiday grants,  
and the latest *Parson & Parish*

## CHURCHWARDENS AND PATRONAGE

### *Twin pillars in parish life addressed at the Annual Meeting*

*This year there were two strands to the Annual Address, after the Association's Annual Meeting on 19<sup>th</sup> May at St. Giles in the Fields, evidencing our determination to develop work among churchwardens, and also to join forces with a gathering of the Private Patrons Consultative Group (now The Church Patrons Group). The speakers were the Honourable Sir John Owen, formerly a High Court Judge and Dean of the Arches (and now one of the Association's Vice-Presidents), and the Reverend Dr. Andrew Macintosh, Fellow, formerly Dean and lately President of St. John's College, Cambridge:*

#### **Churchwardens — Sir John Owen encourages them to use their powers of persuasion in the proclamation of the Gospel:**

Recently, when on a visit across the Atlantic, in church on Sunday I was asked to introduce myself, and I quipped that I was “Johnnie Owen, the people’s judge”. My horrified host, however, rose to his feet and remonstrated that his guest had understated and downplayed his status. I had, of course, failed to mention that I was a churchwarden of my parish. (What I had also failed to mention was that there were fifteen names on the church electoral roll!)

In Saxon times, churchwardens were known as “churchreeves”. In the thirteenth century they were guardians of parochial morals and trustees of the Church’s goods — the goods of the benefice, including the parsonage. Since the fifteenth century churchwardens have been chosen annually by adult electors of the parish; they are, of course, the bishop’s officers, but they are the representatives — not delegates — of the parishioners entitled to vote. As such, churchwardens do not have to accept the decisions of the Parochial Church Council, nor of the Incumbent, but if there is a serious divergence of views then the churchwarden should notify the bishop.

The duties of churchwardens in a vacancy are in many ways the same as at any other time, but it is in a vacancy that their duties are more clearly illustrated. It is likely that the churchwardens will be elected as the parish representatives in the matter of appointing a new incumbent. They will be the sequestrators, bound to account for money going in and out. And they will arrange for ministers to officiate at the services. In effect, they are trustees of the income and property of the benefice. The bishop too has duties in an interregnum and the churchwardens remain his officers, his ears, in a vacancy. Indeed, the churchwardens should take advantage of the bishop and his advisers at such a time, seeking help where necessary.

Now as to the law and lawyers, in my view there are the “Romantic” (those who, like Lord Denning, understand the law to be there to solve problems and not to give rise to absurdities) and the “Cromwellian” or literalists (who simply ascertain and then apply, with change only possible through Parliament). I’m a Denning man — and I have a letter from him to me which says, “Do what you think is right —and don’t worry too much.” So what is the relevance of this to churchwardens? That they should believe in their views, and believe in their powers of persuasion — but first they should test their views against reason, and then have the humility to think they might be wrong.

The Church faces great difficulties today — a shortage of clergy, too many clergy offending against children or against marriage vows, a shortage of money and, at the same time, church building maintenance. Worst of all, in the general population there is widespread lack of intellectual belief in, and ignorance of, the Christian message. If I believe in God — as I do — then I see no difficulty in claiming Christ, and all that he has said in Gospel and Epistles.

So many people don’t believe, partly because they haven’t been taught, and partly because they have no intellectual basis for belief. A reason for my being a churchwarden is to persuade parishioners to make a pilgrimage once a year to our cathedral — not only for good singing and ritual, but also to hear an intellectual and closely reasoned defence of Christianity. My added reason is that I am Chairman of the Cathedral Council! But, even if I weren’t, I’d wish to communicate to the unbeliever. It may be a sin not to believe, but if as a churchwarden I have not tried to explain my faith who is responsible for that sin?

***Patronage - Andrew Macintosh rejoices in the historic role of the colleges, and bemoans some of the evils in today’s Church:***

There is a number of patronage bodies apart from the bishops. Of course, there are the parties — the “spikes”, and the “Prots” — but the colleges are not partisan. The point of college patronage is historical, expressing the monastic tradition behind the colleges which were celibate until the nineteenth century. The learned men went out, got livings, married their girlfriends, and educated the people from the pulpit. They handed on excellence to the communities, and education was spread out across the land. It’s still true today. St. John’s has forty livings and Christ Church sixty-five. Of our forty livings many have seen pastoral reorganisation.

Patronage is a property right defensible at law. If parishes are linked up with others, do you have a “turn” or do you have a patronage board (which is what bishops like)? In one of our livings we had twenty members of a

patronage board; it is generally a waste of space with lots of paperwork. There is the shortage of clergy, and there is the problem of waiting for clergy to go. Bishops therefore suspend the right of presentation for five years. Suspension is a reasonable enough mechanism to have available, but in the wrong hands it is unreasonable — and it is only possible where there is a legal reason, and that is for the reason of pastoral reorganisation. Sometimes it is extended and becomes ten, fifteen, twenty years, and in all that time there may be no hint of pastoral reorganisation. That is wickedness.

There are sins of high-handedness, but there are also sins of shoddy thinking. Following suspension of a living, a priest-in-charge is usually appointed — absolutely in the hands of the diocesan. This is nothing like the parson's freehold which gives independence to speak freely and not under the thumb of the powerful. Yet the licensing of a priest-in-charge takes the same form as an institution of an incumbent, and even patrons can be invited to "present." It's designed to be kind to the granny and the cat; but it's a pretence. "May we call him 'Vicar', Bishop?" — "Yes, of course." This is shoddy thinking — the beginning of a slippery slope to wickedness. I've had a thermo-nuclear bust up with at least one bishop. One diocesan bishop even wrote to the Master of St. John's to complain about the Dean!

The Church of England needs variety. England is a place of checks and balances. Just as in the pre-Reformation Church, religious groups had influence, so today's parties, religious groups and colleges also have influence. Also it doesn't tie the clergy to the diocesan. We ask our parishes to come to St John's, to hear our choir, and the incumbents come to dinner here; it's a wonderful link. Private patrons bring colour; at least one I know is ferociously 1662. One diocesan bishop tried to introduce a blanket policy of suspension; we threatened to take him to law. We supported, too, the case of St. Luke's Kingston, because we wanted an occasion when the matter would come to a head.

I worry about the amount, and the cost, of central bureaucracy. We need the strength in the parishes. The wine in the Church of England is magnificent, but the bottles are pretty horrible. The strength should be in the parishes. There also exists a certain sort of pomposity in our Church; at service recently two other deans were very concerned that I should precede them in the procession! That too is institutional sinfulness.

*Both addresses were given in largely extempore fashion, the record above being drawn from notes made at the time and subsequently checked with the speakers.*

## IN TRUST AND IN TENSION

### *Martin Burr considers some of the possibilities and pitfalls of establishing parish trusts*

Most clergymen, most churchwardens and probably most parishioners would take the view that parish property (whether owned outright or held in trust) belongs to the parish and not to the diocese. For those not already in the know, this article will dispel at least some of these fond illusions. It will outline the provisions of something called the Incumbents and Churchwardens (Trusts) Measure 1964 and then consider when the danger lights should start to flash. Sadly perhaps this Measure, and consequently this article, reflects the tensions which can exist between the parish and the diocese: perhaps this article should be sub-titled “The Black Stock versus the Purple One.”

Section 2 of the 1964 Measure sets out what property the Measure applies to. There are three requirements all of which need to be fulfilled before the 1964 Measure applies. First, it applies (subject to certain exceptions) to “any estate or interest in any land” (in other words, effectively, to any land) or “an interest in personal property, [that is property other than land, such as money, shares or the like] held or to be held on permanent trusts” (in other words to be held as part of the permanent endowment): Section 2(2). Secondly, the 1964 Measure applies where the property is held “on charitable trusts established for ecclesiastical purposes of the Church of England”: Section 2(1). This seems fairly self-explanatory. However, thirdly, it only applies where the trustees are and always have been the incumbent or the churchwardens, either acting alone or as joint trustees with an ecclesiastical corporation sole. This too seems fairly self-explanatory.

Where the 1964 Measure applies to a trust, the Diocesan Board of Finance is in most cases duty bound to vest the trust property in itself after serving notice on the trustees: Section 3 and Schedule 3. Also the trustees are duty bound to tell the Board where they hold property to which the 1964 Measure applies: Section 3.

No incumbent or churchwardens can acquire property to which the 1964 Measure applies without the Board’s consent, unless it is property other than land given to them or bequeathed to them by will: Section 4.

The 1964 Measure came into force on 1st January 1965. So it is unlikely that many cases will arise now of property which was held on trusts to which the 1964 Measure could apply, before it came into force. The key problem is with creating new trusts. If anyone is considering setting up a trust for the parish, it is important to ensure that it is not caught by the

1964 Measure, if the intention is to benefit the parish rather than the diocese. The terms of the 1964 Measure are fairly tightly drawn: so if it applies, there is little or no way out. If someone is considering setting up a trust for a given parish, and wants their money to go to that parish rather than the diocese, then it is important to make sure at the outset that the 1964 Measure cannot and does not apply. It will not normally be much use making a mistake and only finding out about it later. There are procedures for putting mistakes right, but they costly, complex and not too easy to bring into effect.

The 1964 Measure itself is not exactly bedtime reading, and most clergy would probably find it more heavy going than, say, *Railway Magazine* (or perhaps even the early fathers of the Church in the original Greek or Latin). There are some technical points which will need a careful reading of the minutiae of the 1964 Measure. However, the difficulties in circumventing it are more practical and on the ground than with any technicalities of its legal drafting. Really each case needs to be considered carefully on an individual basis, and (if appropriate) advice taken. However, it is eminently possible to give a few general pointers. The 1964 Measure applies to almost every kind of property: so there is no scope for avoiding it by choosing what property is put into trust for the parish church. The only exception to this is where there is a gift or bequest of property other than land. The 1964 Measure only applies to trusts: so if there is an outright gift with no trust involved, the green light shines out bright and clear and the black stock need have no fear of the purple, but if there is a trust a red light should begin to flash even if only faintly. If it is proposed to have the vicar or rector or the churchwardens as trustees, then danger lights should begin to flash very brightly, as the parish church is in immediate danger of running aground on a coral reef which is coloured purple instead of pink.

If one is trying to avoid the 1964 Measure, it is generally a good idea to put a patch of clear water between oneself and the 1964 Measure, rather than rely on technical and hair-splitting distinctions.

If a parish church emulates our great cathedrals and has something like the “Friends of St Aldhelm’s Church,” it is unlikely to fall foul of the 1964 Measure, and the incumbent and churchwardens are likely to be able to keep their seven barley loaves and two small fishes — or even seventy times seven of them.

In conclusion, I hope that this short article has managed to provide a timely warning and to shed a little light in the darkness of its readers and that it has been possible to derive a little sparkle from a few “purple passages”!

*Martin Burr is a barrister working in London.*

# DURING A VACANCY: A GUIDE FOR CHURCHWARDENS

*Sir John Owen and John Masding  
respond to some frequently asked questions*

## 1. How does a vacancy come about?

A **vacancy** in the benefice may occur through the death of the incumbent; by his resignation; by exchange (with consent of the respective patrons and bishops); by cession (usually preferment/promotion); by deprivation; by compulsory retirement or by declaration of avoidance made by the bishop after a serious breakdown in the pastoral relationship between the incumbent and the parishioners, caused by one or either or both over a substantial period.

## 2. What happens during a vacancy?

- A. Churchwardens, together with the rural dean, become **sequestrators**, i.e. trustees of the income and property of the benefice. This happens automatically (C. of E. Miscellaneous Provisions Measure 1992). The bishop may appoint one other person as an additional sequestrator if he considers this desirable. Under sequestration, the income of the parish church is ordered to be taken by the sequestrators and applied as required in the circumstances. Generally, nowadays the income received by the sequestrators is confined to marriage, burial and other fees, since, by virtue of the Endowments and Glebe Measure 1976 other income is paid directly to the diocese and an annuity or augmentation paid to each incumbent so long as he has the cure of souls. A vacancy brings these payments to an end until restored to the new incumbent.
- B. **Priests-in-charge.** Whenever a benefice is under sequestration, the bishop has power to license a minister to be the priest-in-charge for so long as the sequestration continues. However, it is not usually considered necessary to license a priest-in-charge for the comparatively short interval which normally elapses between the vacation of a benefice by one incumbent and the admission of the next. Nevertheless, in recent years, appointments of priests-in-charge have become much more common than formerly, partly because it sometimes takes time to find a suitable new incumbent owing to a shortage of clergy but principally because of the increasing exercise by diocesan bishops of their power under section 67 of the Pastoral Measure [1983] to suspend presentations to benefices. The exercise of this power will be

appropriate when a pastoral scheme for reorganisation is in mind. Some other occasions will be harder to justify. In general, a priest-in-charge has the same duties as an incumbent, as regards the convening and chairing of meetings of parishioners (for the appointment of churchwardens), of parochial church meetings and of meetings of the PCC etc. Only the bishop may require a priest-in-charge to reside in the parsonage house.

- C. **Expenses.** The bishop has power to determine the amount of remuneration to be paid out of diocesan funds for the performance of occasional ecclesiastical duties during a vacancy and where any such duty is performed by a person, other than a person in Holy Orders, the person to whom the remuneration is paid. If the bishop makes such a determination it is binding on the sequestrators subject to the approval of the bishop — who may have delegated to the archdeacon — and the sequestrators may, out of the income of the benefice, make provision for:
- (i). the proper care and custody of the house of residence of the benefice if any,
  - (ii). the upkeep of any garden, orchard or other land belonging to or occupied with such house of residence,
  - (iii). the remuneration payable in respect of any professional assistance.
- D. **A vacancy does not relieve churchwardens of any duties or responsibilities.** Churchwardens, albeit first parish officers, are also bishop's officers which entitles them to seek help from the bishop and his staff, but more importantly, they remain representatives of the parish as a whole. They continue to be required "to use their best endeavours by example and precept, to encourage the parishioners in the practice of the true religion" and to promote unity and peace among the parishioners.

They continue to have responsibility to ensure the necessary steps are taken when a faculty is required.

Although the books belong to the PCC and should be in the custody of the incumbent, the churchwardens have custody of the church registers during a vacancy. This may well necessitate ascertaining the whereabouts of these books and taking physical possession of them. Leaving them in the church would probably be a breach of duty.

In the absence of an incumbent, it is likely that the responsibility for ensuring that visiting clergy are available for the church services held in the church will fall initially on the churchwardens although both the PCC and the diocese may well be involved. If the churchwardens have

difficulty they should seek help from the diocese although normally the rural dean, as a fellow sequestrator, should be able to resolve difficulties. Churchwardens should ensure that visiting clergy sign the service book and that the necessary arrangements are made with visiting clergy to provide for the choice of hymns etc.

Churchwardens should take custody of the parson's keys. Any separate church hall is likely to be the property of the PCC and under its control although the building will probably be vested in the diocesan authority. If the incumbent has managed the hall as chairman of the PCC, the council will have to make arrangements. A hall or room integral with the church is likely to be part of the freehold and during a vacancy will be under the control of the churchwardens and not the council. The faculty authorising such use will make the position clear.

Although the freehold of the church and churchyard is normally vested in the incumbent, possession of both is vested jointly in the incumbent and churchwardens jointly. This fact requires the churchwardens to prevent entry to the church by any person claiming to enter for any purpose not authorised by law. A vacancy might suggest to burglars that there would be easy pickings in the church.

If an incumbent dies and there is a parsonage house attached to the benefice, his widow may continue to reside in the house for two calendar months, and, presumably, the widower of an incumbent would have a similar right. The sequestrators will need to ensure that the parsonage house remains insured, especially if vacant.

Under Canon F15 it is the duty of churchwardens to maintain order in the church and churchyard especially during divine worship. Although they may remove persons disturbing or clearly intending to disturb a service provided that they use no more force than is necessary it would be wiser, whether there is a vacancy or not, to seek help from the police.

It may be that the annual meeting of parishioners (often still called "the vestry") and the annual parochial church meeting become due in a vacancy. In such circumstances, there being no minister, the churchwardens should convene the first meeting and sign the notice stating the date, time and place etc. (Churchwardens Measure 2001), and the vice-chairman or secretary of the council or some person authorised by the council should sign the second notice. Although the churchwardens and such person are required to make these arrangements, the chairman of the meeting will in each case be chosen by the meeting.

If, when a vacancy occurs, there is in the parish a licensed curate, he or she continues in office. Churchwardens should appreciate that for the curate, the vacancy may present new problems and will certainly involve a much-increased workload.

### **3. Selection of new incumbent**

- When a **benefice becomes** vacant other than through the resignation of the incumbent, the churchwardens must inform the bishop and the registered patron.
- **Patronage** is the right to present to a benefice. Each diocesan registry should have a register of patrons. All transfers should be recorded. In general terms the right to make a presentation occurs when a benefice becomes vacant, but before that can happen there are many procedural requirements. Churchwardens should not be put off by this statement. They can obtain advice from the diocese and no doubt the rural dean will give guidance.
- When the bishop becomes aware of a vacancy or an impending vacancy, he is to give notice of that fact to the designated officer of the diocese — very possibly the diocesan registrar will be that officer, or the secretary of the Diocesan Pastoral Committee.
- The designated officer shall give notice of the vacancy to the secretary of the PCC belonging to the benefice and to the registered patron.
- If he wishes to exercise his rights — and he should — the patron is required to act in accordance with the terms of the Patronage (Benefices) Measure 1986.
- Occasionally a bishop or a designated officer has been known not to act in this matter as speedily as he should. This results in time consuming and unnecessary delay, which, in the light of the tight schedule which the 1986 Measure imposes, is to be avoided. The process of selection and presentation has to be completed within 9 months beginning with the date on which the benefice becomes vacant. Time can become a pressing consideration if the parish representatives or the bishop exercise a veto or the patron submits an appeal for review to the archbishop of the province.

**“Section 11 Meetings” in the selection process:** Within 4 weeks of the secretary of the P.C.C. receiving notice of the vacancy the P.C.C. shall hold one or more meetings in order to:

- a) prepare a statement (sometimes called a Section 11 statement) describing the conditions, needs and traditions of the parish. Clergy seeking a benefice will no doubt decide whether they are still interested in the vacancy only after considering this statement, which should be regarded by the PCC and the churchwardens as of the utmost importance. The statement will need to include a collective view on whether or not the PCC would accept a woman as incumbent or priest in charge of the benefice or as the minister who presides at or celebrates Holy Communion or pronounces absolution in the parish. The secretary must send a copy of this statement “as soon as practicable” to the registered patron and, unless the bishop is the registered patron, to the bishop. If the PCC would not accept a woman priest the PCC should pass resolutions A and B from Priests (Ordination of Women) Measure 1993, failing which, neither of the PCC representatives may reject solely on the grounds that the suggested incumbent is a woman;
  - b) appoint 2 lay members to the PCC to act as *representatives* of the council in connection with the selection new incumbent. No doubt the churchwardens *may* be the 2 representatives but there is no requirement that this should be so. It is important that the lay members, whilst not delegates, are to be representatives of the P.C.C. and not only of their own views;
  - c) decide whether to ask the patron to advertise the vacancy. If so it would seem appropriate for the PCC to offer to pay the cost. The two representatives would make known to the patron the views of the PCC. Either representative may do exercise a veto of any proposed candidate for the vacancy;
  - d) decide whether to request a **joint meeting** (i.e. a “Section 12 meeting”) with the patron and the bishop to exchange views on the Section 11 statement. The bishop or the patron may also request such a meeting, even if the P.C.C. makes no such request, but only if the request is made within 10 days of receiving a copy of the S11 statement. If requested, the meeting must be held within 6 weeks of the request. At least 14 days notice must be given of the time and place of the meeting;
  - e) decide whether to request from the bishop a statement describing, in relation to the benefice, the needs of the diocese and the wider interest of the Church.
- **Meetings generally:** It is in the interests of all parties to build up and maintain trust and open relationships and mutual respect between the bishop, archdeacon, rural dean and lay chairman of the deanery synod, all of whom must be invited if there is to be a Section 12 meeting, the parish representatives and the patron. Patrons are sometimes unknown to the churchwardens and members of the PCC and a Section 12 meeting

may provide an opportunity to remedy this. Such a meeting may well be difficult especially as the PCC will be without the guidance of their previous incumbent — neither he nor his spouse may attend such a meeting. It is common practice for the rural dean, archdeacon, or even the suffragan bishop to attend meetings (and they have no right to attend Section 11 meetings), assume the chair and, for good or ill, take over the proceedings. This is illegal at Section 11 meetings and at Section 12 meetings. When even the bishop will be present at a Section 12 meeting, it is still for the whole body of persons present to choose a chairman. At ordinary PCC meetings no one other than members of the council may attend unless invited by the council itself to do so; and then they may be invited only to speak but not to vote or preside. The PCC and the lay vice-chairman should remember that it is their meeting and act with firmness and courtesy.

It is said that some parishes, having passed resolutions A and B under the Priests (Ordination of Women) Measure 1993, have nevertheless had pressure brought upon them to reverse those decisions. If those resolutions still represent the will of the PCC it should stand firm against such pressure.

Where a candidate is turned down, requests for further advertisements again may suggest reimbursement of additional costs to the patron; but in any event neither the PCC nor the chosen representatives have any way of insisting that their views are accepted.

Even when the patron has decided to whom he wishes to offer the benefice, he *cannot* make the offer without the approval of the bishop and the PCC representatives (the veto of one representative is sufficient to prevent the appointment). The patron sends them a notice (Form 36 or 37) requesting their approval. If the Bishop wishes to refuse, he must do so by notice within 4 weeks from the date that the notice was sent. If the PCC representatives or either of them wish to refuse, the notice of refusal must be sent within 2 weeks of the notice being sent. The representatives use form 37 and must give reasons for refusal. If the presenting patron, within the time limits laid down, receives no communication, approval is deemed to have been given.

The Measure does not give any clear indication of the grounds on which a veto may be made. It is thought that even in the case of the bishop they need not be such as would justify his refusal to institute the priest in question. It has been suggested that for example the bishop or the PCC representatives could withhold consent i.e. veto if the priest failed to meet some important requirement in the PCC statement or the

bishop's statement, particularly if the bishop and the PCC are agreed on that requirement. Another possible ground might be that the Bishop or the PCC representatives feel that the priest's personality makes him unsuitable for the parish and unlikely to be able to minister effectively in it. As already stated, unless a parish has passed resolutions A and B (see above) neither representative may reject solely on the grounds that the patron's presentee is a woman.

On receiving a refusal i.e. veto from either the bishop or the parish representatives, the patron may lodge a request to the archbishop of the province to review the matter. The archbishop is required to give his reasons for his decision in writing and to send copies to the patron, the diocesan bishop and the PCC representatives. If the archbishop authorizes the patron to make an offer to the priest concerned he may do so.

It is comforting to know that little use has been made of this procedure. It seems that marital status cannot provide grounds for veto, which would be sustained on appeal to the archbishop. Nor can race or age, although this last point may be of great importance to a PCC as may marital status.

#### **4. Presentation of new incumbent**

On receiving from a priest under the age of seventy an acceptance of an offer of the benefice, the patron sends notice to the bishop, presenting the priest to him for admission to the benefice and the end of the vacancy. Even at this stage difficulties may occur.

#### **5. Admission is by institution**

A bishop may refuse to institute i.e. refuse to admit to the cure of souls of a parish as the incumbent, a presentee in the following circumstances:

- a) if there was a change of patron in the year preceding the vacancy;
- b) if not more than 3 years have passed since the presentee was made deacon;
- c) if the presentee is unfit through physical or mental infirmity or incapacity, serious pecuniary embarrassment or scandal concerning his moral character;
- d) if he has knowingly been a party to a transaction related to the presentation, which is invalid.
- e) if the presentee has fewer than three years experience as a full time parochial minister.

Both the patron and the presentee have a right of appeal against a

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bishop's refusal to institute. The appeal is to the archbishop of the province sitting with the Dean of Arches or Auditor of the Chancery Court of York (the same person). There is no appeal from this tribunal. Objections by the bishop at this stage are very unlikely to occur. However should a churchwarden for example have grounds for believing that the presentee is unfit as described in (c) above, he or she should inform the bishop. Of a bishop's officer no less should be expected.

Before the incumbent is instituted notice of the bishop's intention to admit must be sent to the secretary of the PCC at least three weeks in advance and affixed to the church door, where it must remain for two weeks and the presentee must take the declaration of assent and take the oaths of allegiance and of canonical obedience. The churchwardens should ensure that the notice is displayed.

## **6. Induction**

The incumbent is put into possession of the temporalities of the benefice by induction, which is performed by the archdeacon on the bishop's mandate or sometimes by the rural dean as the archdeacon's deputy, and on his mandate. In practice, institution and induction take place at a service held at the parish church. Induction should always be after institution.

Subject only to the rights given in law to the bishop and his officers, (e.g., the right of the Bishop in person officiate or preach; the faculty jurisdiction of the Chancellor or archdeacon; visitation, etc.) once in possession of the benefice the incumbent has in it the exclusive duty of ministering and the exclusive rights to the emoluments of the benefice.

## **7. After presentation, institution and induction....**

...churchwardens may be tempted to sit back and let the new incumbent get on with it: This temptation should be resisted.

*Note from the authors: Whilst every effort has been made to ensure the accuracy of this Guide, advice should be taken before action is implemented or refrained from in specific cases. No responsibility can be accepted for action taken or refrained from solely by reference to the contents of this Guide.*

## IN ALL THINGS LAWFUL AND HONEST

*Alex Quibbler, Parson & Parish's legal agony uncle,  
responds to some recent questions arising in parish life*

***QUESTION:*** *As PCC Treasurer, I keep having to deal with the question of collection monies at special services. I'm referring to church services held for one-off occasions, perhaps of a civic nature, for schools, or commemoration or memorial services. These days the institutions or families involved often assume that they may take a collection at these services for their own preferred charity, and sometimes they even say "We want the collection to be for the church" — when I thought, all along, that it was ours anyway! Please could you clarify the position on this?*

At all special services (even at a bishop's service in a parish church – institutions, confirmations and ordinations when he decides whether there is to be a collection) the determination of the object to which the collection shall be allocated is specifically a matter purely for the PCC jointly with the incumbent: Parochial Church Councils (Powers) Measure 1956, section 7 (and see also the *Legal Opinions of the Church of England*, p.69). I fear that a combination of a powerful culture of individualistic consumerism, coupled with some well meaning but weak clergy, are responsible for the state of affairs in which – rather like some dreadful funeral services – the customer seems to take over and the church ends up having to be "nice" (that is, accepting what other people have decided). Do encourage your parish priest to be robust over this matter. After all, he, or she, can shelter behind the need to refer it to the PCC, and if you have a large number of these special services then the PCC and incumbent can always formulate a policy, such as deduction of all necessary expenses (organist, organ fund, wear and tear, heating, and so forth) and apportioning the rest between church and a particular charitable body. The main thing is not to let the organisation physically walk away with the cash! If the collection is taken during a hymn, this needn't present a problem, as, once offered at the altar, it can be whisked away to a vestry or chapter house for safe keeping, but particular vigilance is needed if the collection is of the retiring variety, when the churchwardens or someone under their direction, must make sure that the collection bowl does retire with the organisation concerned!

***QUESTION:*** *I'm an incumbent, just wondering whether there may be some conspiracy afoot to marginalise those who have the "freehold". Invariably these days when I receive a diocesan communication it refers to "all who hold the Bishop's Licence". Even a recent citation to clergy to attend the*

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***Archdeacon's Visitation was only addressed to clergy who were "licensed." I note, too, that the recently published "Year in Review" (2002-03) by the Archbishops' Council, in its introductory facts and figures, only refers to "licensed ministries". But where is my licence? —I thought I didn't need one!***

Come, come, all this talk of "conspiracy"! - you mustn't be so cynical! But you have, of course, raised an important point. There does indeed seem to be a mistaken idea abroad that all are merely licensed. Relax – your authority to exercise your ministry as a parish priest is not a bare permission, requiring you to tug a grateful forelock before the lord bishop. As an incumbent you have no licence; your authority simply comes from your being instituted to the benefice. You are there as of right, not by permission. We certainly do need to correct this erroneous notion, and perhaps the most effective way would simply by writing to say that you won't be attending the Archdeacon's visitation, or joining the diocesan clergy conference, or whatever it is, because you are not one of the licensed clergy. That should hopefully concentrate one or two minds.

*Readers are invited to continue sending in their questions about parish law and practice to the Quibbler in forthcoming issues of the magazine. All names and addresses are, of course, withheld.*

### **IN GRATITUDE TO THE HONORARY TAX CONSULTANT**

For many years members of the Association have enjoyed the benefit of help and advice from the Reverend Brian Rice with their annual tax returns. For reasons of health and advancing years he now feels it is time to hand on the Clergy Tax Service to others. There are, of course, a number of tax specialists and consultants offering their services to the clergy, and Brian warmly recommends a small team of personal advisers known as Tax Management for Clergy (PO Box 6621, Grantham, Lincs, NG32 3SX, tel: 01476 514652). The Association records its appreciation to Brian for the help given to its members. The last word goes to Brian who says, "Our village postman and I will miss you all, but I have serviced a full twenty year sentence and now deserve a tax free retirement."

***Advertisement***

# BOOK REVIEWS

## **Window on Westminster**

A Canon's Diary 1976–1987

*Trevor Beeson*

SCM AD 2001 (fourth edition)

ISBN 0 33402854X Paperback, 324pp. £10.95

Between 1976 and 1987 Trevor Beeson was a Canon of Westminster, Rector of St. Margaret's, Westminster, and Chaplain to the House of Commons. During these years he kept a diary, and the result is a book which, in the words of the BBC Charter, informs, educates, and entertains.

Few people know that the Chaplain to the House of Commons exercises a delicate pastoral ministry to Parliamentarians who are often depressed, discouraged, and disappointed; few people know about the internal dynamics of Westminster Abbey; few people know that the Abbey is the Queen's church, and what this entails. Beeson gives us the facts and fascinating information about a world that is a closed book to most of us.

The information overflows into education, and Beeson's Abbey questions apply equally to all cathedrals. How can modern financial pressures be met without descending into a crude commercialism that offends visitors and detracts from worship? How can a great building be helped to speak spiritually to its visitors? Why is it that the price of fine music is so often feuding between clergy and musicians? Is the collegiate form of government the best way to run a modern cathedral? Beeson helps his readers to think about these complex issues, exploring them with pertinent observations from the events of a busy life.

The entertainment is never far away. The Pope visits and gives the wrong speech to the wrong people; when Benjamin Britten's memorial is unveiled the dates on it are wrong; the BBC's Anna Ford gives an Abbey lecture wearing a "see-thru" dress; at a party the Dean downs the Queen Mother's G & T by mistake. Beeson's diary is never dull.

I have two serious reservations. First, there are countless personal judgments made, often damaging, about individuals still alive. This is unkind and to be regretted. Second, on many pages there is an overbearing egoism which jars. For example, Beeson tells us at one point that there is a "strong rumour" circulating that he is to be made Bishop of Worcester. When he is offered the Deanery of Winchester he is reluctant to take it,

until told that at his age “there won’t be anything else”. These touches, combined with the many photographs of celebrities captioned “Trevor Beeson with...” , detract from what is a good read.

*The Very Reverend Michael Higgins, Dean of Ely, 1991–2003.*

## **Neither Archaic nor Obsolete**

### **The Language of Common Prayer and Public Worship**

Peter Toon and Louis R. Tarsitano

Edgeways Books AD 2003

ISBN 0 907839 75 4 Paperback, 94pp. £4.80

Dr. Peter Toon’s ministry bridges the Atlantic, and in the U.S.A. he was for six years President of the Prayer Book Society. Dr. Tarsitano is Rector of St. Andrew, Savannah, Georgia. Both have also engaged in university teaching. So this timely little book is also a bridge, being academic and practical, and embracing the leading English-speaking peoples. It therefore has the inevitable vices of its real virtues, and can be tantalisingly incomplete, on the one hand, while not really the kind of read which the man in the pew will buy readily.

The English Bible and the Language of Prayer, Prayer Books and the Language of Worship, Hymns and the Language of Faith are covered in the first three chapters, and the book concludes with the 1960s and the fashion which then came in of addressing God as “you”, followed by some trenchant analysis of why language matters.

This is all to the good, since Shakespeare notoriously uses both “thou” and “you” language — on the one hand, “wherefore art thou Romeo?” and on the other Ferdinand’s “You, O, you” to Miranda in *The Tempest*. Why one rather than the other, and when, or where? One had forgotten, no longer preparing confirmation candidates yearly as one did, that the Prayer Book’s expressive and succinct Catechism itself uses both:

...the Catechist addresses the catechumen both as “you” and “thou” to denote a different relation of the latter to the Church and thus to God the Father — “you” when he has the faith through his godparents acting on his behalf, and “thou” when he has embraced the faith for himself and stands in an immediate relation to God as a believer.

An argument is presented that religious language has never even in its vocabulary been the same language as that spoken, or written, for secular

purposes. Not all will find this line convincing. But most sympathetic readers will wholeheartedly endorse the authors' examination of our loss of the relative clauses which are so marked a feature of the prayers of the Book of Common Prayer — they are found to be part of an approach to God within a relation of revelation and humility. Modern direct statements address God, we are told, like “a clerk at the drycleaner's”. Perhaps one may remark here that not infrequently the American angle comes across even more strongly than the British: the Bible is usually the “King James Version”, and not, as we say in these islands of Her Majesty's dominion, the “Authorized Version”. Even greater acknowledgement might have been given to the sensitive translation of Scripture in the *New English Bible*, amongst whose many virtues is its sympathetic retention of the second person singular for words addressed to God. The *Revised English Bible* derogates sadly from a noble work, and is invaded by an alien philosophy with which neither biblical writers nor Cranmer would have had truck. One would have liked to have seen space given to examining the insidious growth in the language of translation and worship of rabid political correctness, so marked in *Common Worship* as to vitiate even the less-difficult-to-use services offered as alternatives to that Book which alone will stand for all time, and whose insights are never dated — because they are true.

It is a useful book that reminds us that the Faith transcends us.

*The Rev'd John Masding, Chairman of the Association.*

## **An ABC for the PCC**

A handbook for church council members

John Pitchford

Continuum, AD 2003 (fourth edition) ISBN 0 826465 99 4

Paperback, 222pp. £10.99

Although this volume has appeared in various editions since its publication in 1979, I have to confess that it's entirely new to me. It is truly entertaining and delightfully idiosyncratic. What other PCC handbook would have, sandwiched between the headings “Servers Guild” and “Sidesmen”, the entry “Shoes – a suggestion: if walking on uncarpeted aisles before or during a quiet service, try to walk quietly”? Should something more surreal be wanted, consider the entry for “Integrity” (immediately before a helpful chunk on “Interregnum”); it simply asks: “What is absolute integrity?” Other splendid headings in what is a wealth of information and advice include:

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“Adopting a baby”; “Coffee after the service”; “Dancing in church”; and “Trouble-maker”....

In truth, despite the title’s suggestion that it is a reference work, this guide has to be read from cover to cover. There is no index at all. Inevitably, an ABC, despite some glorious inclusions, will have its notable absences. I could find almost nothing on collection monies, no mention of further marriage in church, and under the heading of “Catering” no reference to food premises registration or food hygiene regulations — both covered in James Behrens’ comparable but more accessible and better structured volume, *Practical Church Management*. Unlike Behrens’ work, however, this ABC benefits from the parish priest’s experienced touches, as illustrated in his comments on flowers, his practical advice on hymn-singing, or his interesting reflections (for example, that at the offertory the bread represents our work, and the wine our leisure). Pitchford does indeed bring a wealth of pastoral experience, yet sometimes his advice has a note of unreality — such as his suggestion that a churchwarden read *1 Corinthians 13* if an annual meeting turns nasty.

For a work which claims to be “completely revised and updated” a little more final tidying-up would have been useful. A new PCC member could be forgiven for some confusion when reading, at the beginning of the book, clear references to a “vestry meeting” only to find, much later, that this name is now a has-been. I also noticed some inconsistent slipping into the modern fashion for lower case (even “god” at one point!), while some of the attempts at an apparently more “inclusive” language are spasmodic and unhelpful (such as introducing the office of “sideswomen” and, as usual, the jarring third person “they” for singular use at points).

Nonetheless this curious book — for the price of a round of beers — has many jewels to be found, even if they take some finding. Motivated by an unashamed commitment to missionary and pastoral work, it is a tribute to the usefulness of this volume that it has now entered its fourth edition.

*The Rev’d Jonathan Redvers Harris, Vice-Chairman of the Association.*

Other works received by *Parson & Parish* include: *The Daily Telegraph: The Best Spiritual Reading Ever*, Ed. Christopher Howse (Continuum, 2002). *The Making of the Creeds*, Frances Young (2<sup>nd</sup> ed., SCM, 2002). *Philosophies of Race and Ethnicity*, Ed. Peter Osborne & Stella Sandford (Continuum, 2002). *The Seven Sacraments*, Anselm Grun (trans. John Cumming) (Continuum, 2003). *Ministry in the Countryside: A Model for the Future*, Andrew Bowden (2<sup>nd</sup> ed., Continuum, 2003).

## OVER THE CIRCUMSTANCES

Lawrence Hoyle

Terra Nova ISBN 1 901949 22 2 Paperback, 256pp. £8.99

Those who enjoy clerical autobiography will discover much to savour in this book by the founder of Anglican Renewal Ministries. His descriptions of parish life are frequently witty and illuminating. The way he put to alternative use the fine, large old parsonage at Lamplugh will be of great interest to many members of the Association. In the extract reproduced below, he describes the parish in which he served his title:

“I was made Deacon in Wakefield Cathedral at Michaelmas that year and went to serve at All Souls, Halifax. I was soon to experience a dampening of my enthusiasm and a shattering of my illusions. The parish of All Souls, Haley Hill owed its existence to a certain Edward Ackroyd, a wealthy, nineteenth century industrialist who built the church, and near to it, a model housing estate, suitably named Ackroydon, for his work people, and graded as befitted their pecking order in his employment. His huge Victorian mansion and its grounds were to become the Bankfield Museum and park. The church itself was an architectural masterpiece, designed by Sir Gilbert Scott. It was built in grandiose Gothic style with a very tall spire and was almost a miniature of Salisbury Cathedral. It was elaborately ornamented both inside and out, high and spacious with many stained glass windows. Regrettably, his expertise did not run to an assessment of the durability of the white Italian stone with which the church was built. Though it looked very impressive, having been imported specially for the purpose, it was unable to withstand decades of the polluted air of industrial Halifax and was dangerously crumbling by the mid 1950s, and at close quarters looked a sorry sight. Several years later, despite expensive repair work, it became too dangerous to use and the congregation moved into the church hall, which was re-designed for the purpose of worship and was more practical than the old building.

“The parish extended for a mile or so up a steep hill towards Queensbury, on the outskirts of Bradford. The top end of the parish consisted of run down, nineteenth century, workers’ housing, typical of the industrial West Riding of Yorkshire. Up the hill was a small, rather tatty, daughter church, St. Edward’s Mission, self-contained with a schoolroom beneath. In the days of the Victorian glory of All Souls, it would have served the hoi polloi of the parish, whilst the carriage trade went to the parish church under the benevolent eye of Edward Ackroyd. There was an air of dereliction at the top end of the parish, and one of faded glory at the bottom, where the parish church dominated.

*continued on page 30*

## CHAIRPIECE

### *Looking through the wreckage of the Clergy Discipline Measure*

Discipline of the clergy in matters of behaviour, but not of belief, is now on a wholly new footing. Legislation to deal with heresy, as promised, may prove too difficult, and we cannot really afford to lose *that* many clergy.....which, of course, indicates the sad fact that the legislation we have got, now, is intended to be less a matter of justice and more of a cost-effective way to deal with scandal and inefficiency, and perhaps the awkward squad — there's no intention of putting the Church of England in order in ways that are not “politically correct”. Let the reader understand.

In our last issue, the Editor explained very clearly the very serious reservations of your Association about the Clergy Discipline Measure. We remain unhappy about majority verdicts, guilt on the balance of probability rather than proof of the crime beyond all reasonable doubt, and private proceedings, to name just some issues. It is hypocritical to pretend that the bishop's disciplinary tribunal is not a court: indeed, were a bishop to be tried for exactly the same alleged offence as any other clergyman, he would be tried by the Vicar-General's court. These tribunals are courts by another name, without all the safeguards justice requires. True, an appeal may lie to the trusty Court of Arches, which, we are told, satisfies Human Rights legislation; but a clergyman who does not appeal, whether for financial or other reasons, may find that if he disobeys the sentence of the tribunal he may get a High Court order against him to enforce it, and then, if he disobeys the injunction, the consequences may be the same as they were under the Public Worship Regulation Act of 1874, not of blessed memory. We do not want martyrs. We want justice.

The new offences of *inefficiency* and of *inappropriate behaviour* remain, at the time of writing, uncertain. We await the final Code of Practice and some idea of what the new courts will in practice regard as inefficient or inappropriate, and how the High Court will react to that on judicial review.

Sadly, our opposition did not get very far in Parliament. The Ecclesiastical Committee held two meetings at which members present did very seriously and penetratingly examine the proposed Measure, and some Lords of the highest judicial experience expressed grave opposition, some voting against the Measure being deemed expedient.

But the *arguments* are only half the battle. The fact is that our opposition to the Churchwardens Measure struck a resonance in many other minds:

the bishops were interfering with the rights of the laity. They lost. But in lay minds the clergy no longer occupy a similar place to churchwardens. As one dean wrote publicly some time ago, where they used to raise their hats now they spit. The clergy are not respected as they were. They are becoming ever more nearly the mere employees of the bishops, underpaid, and attracting only the respect the incomes of underlings suggest. If they step out of line they get what they deserve. The popular myth at *Sun*-reader level runs along the lines of poor value for money and not very hard working, and very out-of-touch with real life and popular values. And those who do go to church are saying under their breath that we can't afford to have so many of them anyhow.... No wonder my latest garden catalogue offers as the exemplar of a house nameplate "The Old Vicarage".

So we lost. Or did we?

Large numbers of clergy have a licence, but are not beneficed. Unprotected by the freehold of the living, they were, it seems, often bullied into resigning, or simply dismissed by episcopal termination of a licence. So we are led to believe. But the new Clergy Discipline Measure has outlawed that way of proceeding. Nothing could be plainer. Henceforth, all the inferior clergy will be treated in the same way. Bishops at their normative best will welcome this. Bishops behaving badly will be off the screen for good. If a complaint is laid, there is under the Measure one path to be followed, and one only, whether the clergyman complained against be beneficed or not. The path has several turnings off it, and the Measure carefully lays out the one procedure to be followed in each such case. If none are taken, the case must go to the tribunal. For the bishop to seek to impose discipline outside the framework of the Measure will in itself be an offence — by the bishop. The Vicar-General and his court hover in the wings, lest the greatest and best of us be led into temptation.

So the Council of your Association will be very interested to hear of any proceedings and the path they take — every winding of the way the prolonged echo of our words confirming?

*J.W.M.*

“I soon discovered that this faded glory applied equally to the inside of the church and its activities. It represented a dull, traditional conservative evangelicalism, devoid of attraction or vitality. However, it proudly bore all the essentials necessary to qualify for a Church Pastoral Aid Society grant, i.e. no stoles or vestments, no candles and the ludicrous practice of standing at the north side of the table to celebrate Holy Communion—a misunderstood rubric of the Book of Common Prayer. One could have accommodated all that, were it not that there seemed to be little of the vital gospel message supposed to accompany such deprivations. The result was a boring, predictable annual pilgrimage through the church calendar, interspersed with various social and money raising functions....

“Like many other clergy, it seems that the vicar had found a system, or carved a niche, whereby he could, as he thought, successfully do his job, holding together the various factions in the church, encouraging the faithful with little apparent expectation of progress or growth. If he was not cynical toward my ideas and enthusiasm, he certainly expected that a good dose of parochial reality would temper them. Once we were discussing problem people and troublemakers. He said, “You will soon find that the Church is the gathering ground for the world’s malcontents.” His recipe for advancement in the Church was to be well known to a bishop or other influential worthy, keep your nose clean, and go along with the trend; he meant, ‘don’t rock the boat’—and he must have followed his own advice because, many years later, he became an Archdeacon....”

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## PARSON & PARISH

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